SUPREME COURT OF THE UNITED STATES.

No. 46.—October Term, 1935.

The United States of America, Petitioner, *vs.* Roger Kesterson and Bernord Roberts.	On Writ of Certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

[December 9, 1935.]

Mr. Justice Roberts delivered the opinion of the Court.

This case, like No. 40, involves the validity of section 701 of the Revenue Act of 1926. The Circuit Court of Appeals reversed judgments of conviction under an indictment charging engaging in the business of a retail liquor dealer contrary to the laws of Oklahoma on August 17, 1934. (8 F. Supp. 680; 76 F. (2d) 913.)

For the reasons given in the opinion in No. 40 the judgment is

Affirmed.

Mr. Justice Brandeis, Mr. Justice Stone and Mr. Justice Cardozo dissent for the reasons stated in Mr. Justice Cardozo's opinion in No. 40.

A true copy.

Test:

Clerk, Supreme Court, U. S.